

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA
2019 DEC 11 PM 2:54
OFFICE OF THE CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NEREUS SUTKO,

Defendant.

8:19CR174

INFORMATION
18 U.S.C. § 1347

The United States Attorney charges:

COUNT I

1. At all times material to this Information, Defendant, NEREUS SUTKO, operated Better Lives, LLC, doing business as (dba) Better Lives MedGroup, LLC, a corporation with offices in Omaha, Nebraska.

2. Beginning on or about November 15, 2010, and continuing until on or about May 8, 2019, in the District of Nebraska, the defendant, NEREUS SUTKO, did knowingly and willfully devise and execute a scheme and artifice to defraud a health care benefit program, and to obtain, by means of materially false and fraudulent pretenses, representations, and omissions of material fact, money and property owned by, or under the control of a health care benefit program, in connection with the delivery of and payment for health care benefits, items, and services.

3. The purpose of the scheme and artifice was for SUTKO to unlawfully enrich himself by submitting, and causing to be submitted, fraudulent claims to health care programs, including Medicare, Nebraska Medicaid, and Iowa Medicaid, seeking reimbursement for durable

medical equipment that was not prescribed to the beneficiary, was not medically necessary, and was not provided to the beneficiary.

4. In furtherance of the scheme and artifice, SUTKO submitted and caused to be submitted to Medicare, Iowa Medicaid, and Nebraska Medicaid claims which he knew contained materially false and fraudulent pretenses and representations, and omissions of material fact, in that the claims sought payment for providing durable medical equipment when SUTKO then well knew that equipment had not been prescribed for the beneficiary, was not medically necessary, and had not been provided to the beneficiary.

5. In furtherance of the scheme and artifice, SUTKO submitted claims to Medicare via computer from Omaha, Nebraska, and directed a company also located in Omaha, Nebraska, to submit claims to Iowa Medicaid and Nebraska Medicaid, on behalf of Better Lives, LLC.

6. As a result of the scheme and artifice, SUTKO submitted at least 3,649 claims requesting payment of at least \$1,149,034 and causing losses to Medicare, Nebraska Medicaid, and Iowa Medicaid of at least \$806,441.

7. On or about the dates set forth below in the "Claim Receipt Date" column, in the District of Nebraska, and elsewhere, SUTKO knowingly executed and attempted to execute the scheme and artifice to defraud a health care benefit program in connection with the delivery of and payment for health care benefits, items and services, as set forth above, by submitting and causing to be submitted to the authorized agents and intermediaries for the Medicare, Iowa Medicaid, and Nebraska Medicaid programs, claims, which resulted in payment in amounts set forth below, which SUTKO knew contained materially false and fraudulent representations in that the claims represented durable medical equipment that had not been prescribed for the

beneficiary, was not medically necessary, and had not been provided by SUTKO to the specified clients:

<u>Count</u>	<u>Client Initials</u>	<u>Program Billed</u>	<u>Claim Receipt Date</u>	<u>Amount Paid</u>	<u>DME Bill</u>
1	E.C.	NE Medicaid	9/26/2017	9,372.56	Wrist hand orthoses, knee orthoses, ankle foot orthoses, lumbar orthoses, elbow orthoses, heat pumps

In violation of Title 18, United States Code, Section 1347.

FORFEITURE ALLEGATION

The allegations contained in Count I of this Indictment are re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 982(a)(7).

Pursuant to Title 18, United States Code, Section 982(a)(7), upon conviction of an offense in violation of Title 18, United States Code, Section 1347, NEREUS SUTKO shall forfeit to the United States all property, real and personal, constituting or derived from any proceeds obtained directly and indirectly as a result of the violation incorporated by reference in this Forfeiture Allegation, including the following:

- a. A grey 2014 Chevrolet Corvette Stingray Z51 3L, VIN 1G1YL2D76E5106856, purchased on or about April 8, 2019; and
- b. A money judgment representing proceeds obtained by NEREUS SUTKO, in that the sum in aggregate, constitutes or is derived from proceeds traceable to the offense set forth in Count I.

Substitute Assets

In the event that the property which is subject to forfeiture to the United States, as a result

of an act or omission of the defendant:

- a. cannot be located upon exercise of due diligence;
- b. has been placed beyond the jurisdiction of the Court;
- c. has been transferred or sold to, or deposited with a third party;
- d. has been substantially diminished in value; or has been commingled with other which cannot be divided without difficulty;

the United States shall be entitled to forfeiture of substitute property of the defendant, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1) and Title 28, United States Code, Section 2461(c).

All pursuant to 18 U.S.C. § 982(a)(7) and 28 U.S.C. § 2461(c).

UNITED STATES OF AMERICA,
Plaintiff

JOSEPH P. KELLY
United States Attorney
District of Nebraska

By: s/ Kelli L. Ceraolo
KELLI L. CERAOLO, MN #0398049
Assistant U.S. Attorney
1620 Dodge Street, Ste. 1400
Omaha, Nebraska 68102
Tel: (402) 661-3700
Fax: (402) 661-3084
E-mail: kelli.ceraolo@usdoj.gov

The United States of America requests that trial of this case be held in Omaha, Nebraska, pursuant to the rules of this Court.



Kelli L. Ceraolo
Assistant U.S. Attorney